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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KEN WALTERS, et al., No C-04-5084 VRW
Plaintiffs,
v
WORLD SWEEPING, INC,
Defendant.

ORDER

On January 6, 2006, the court granted plaintiffs' motion for default judgment and, inter alia, ordered defendant to pay plaintiffs \$3,692.50 in attorneys' fees and \$234.50 in costs. Doc #30 at 2-3. The court also referred the case "to the chief magistrate judge or his designee to conduct such proceedings, including evidentiary hearings, as necessary and appropriate to determine the amount, if any, that defendant owes plaintiffs for fringe benefit contributions, liquidated damages and interest." Id at 3.

On January 26, 2006, plaintiffs filed a motion before Magistrate Judge James specifying the amounts of these damages. Doc #32 at 6. Defendant neither responded to this motion nor attended the hearing on this matter on March 2, 2006. Doc #39. Judge James then issued a report and recommendation that adopted the amounts specified in plaintiffs' motion except for reducing by \$500 the requested attorneys' fees for filing that motion. Doc #38 at 5. Plaintiffs did not object to Judge James's report.

United States District Court

For the Northern District of California

1 The court generally agrees with the magistrate judge's
 2 recommendation. But upon closer review, the court has detected
 3 some apparent calculation errors in the audit report that
 4 plaintiffs submitted in support of their motion. Doc #36, Ex C
 5 (Audit Report) at 2-3. For example, for the period between October
 6 2002 and December 2002, the audit report incorrectly states that
 7 15% liquidated damages for \$2,737.35 in delinquent payments is
 8 \$602.99; rather, 15% of \$2,737.35 is \$410.60. Audit Report at 2.
 9 And even if this figure is correct, the audit report appears
 10 incorrectly to calculate 12% interest, which according to the
 11 sweeper collective bargaining agreement (CBA; Doc #36, Ex B), is
 12 12% of the sum of the delinquent payments and the liquidated
 13 damages. *Id.*, ¶ 07.01.00. Similarly, the audit report appears to
 14 miscalculate liquidated damages and interest for 2003. See Audit
 15 Report at 3.

16 Accordingly, based on the data provided in the audit
 17 report and the calculation methodology described in the CBA, the
 18 court calculates the following:

Time period	Unpaid fringe benefit payments	15% liquidated damages	12% interest	Dues/vacation payments	Subtotal
10/02-12/02	\$2737.35	\$410.60	\$377.75	\$804.38	\$4330.08
01/03-12/03	\$6209.43	\$931.42	\$856.90	\$1776.23	\$9773.98
Subtotal	\$8946.78	\$1342.02	\$1234.65	\$2580.61	\$14104.06
				Credit	-\$1104.00
				Atty fees/costs for 01/26/06 motion	\$1542.00
				Total due:	\$14542.06

1 After accounting for a credit of \$1,104.00, the court
2 ORDERS defendant to pay \$14,542.06 based on the following:
3 (1) \$8,946.78 in unpaid fringe benefits and \$2,580.61 in
4 supplemental dues/vacation payments (for a total of \$11,527.39);
5 (2) \$1,342.02 in liquidated damages; (3) \$1,234.65 in interest and
6 (4) an additional \$1,462.50 in attorneys' fees and \$79.50 in costs
7 (for a total of \$1,542.00) related to plaintiffs' January 26, 2006
8 motion to determine the amount of damages. This total is in
9 addition to the \$3,927.00 in attorneys' fees and costs that the
10 court ordered defendant to pay in the court's January 6, 2006
11 order.

12 The court DIRECTS the clerk to enter judgment in this
13 matter on the terms set forth here and in the court's January 6,
14 2006 order (Doc #30). The clerk is also DIRECTED to close the
15 file and terminate all pending motions.

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17 IT IS SO ORDERED.

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21 VAUGHN R WALKER
22 United States District Chief Judge
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